



General Assembly

Bill No. 39

February Session, 2008

LCO No. 547

00547_____

Referred to Committee on Planning and Development

Introduced by:

SEN. MCKINNEY, 28th Dist.

REP. CAFERO, 142nd Dist.

AN ACT CONCERNING RESPONSIBLE GROWTH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2008*) As used in section 3 of this
2 act, subdivision (2) of subsection (a) of section 13 of public act 07-7 of
3 the June special session, as amended by this act, and subdivision (2) of
4 subsection (a) of section 32 of public act 07-7 of the June special
5 session, as amended by this act, "responsible growth principles" means
6 the use of land and resources in ways that enhance the long-term
7 quality of life for current citizens of the state and future generations
8 and that maximize previous investments in existing infrastructure
9 while preserving distinctive landscapes, historic structures, landmarks
10 and villages.

11 Sec. 2. (NEW) (*Effective July 1, 2008*) (a) There shall be a Responsible
12 Growth Cabinet which shall consist of the Secretary of the Office of
13 Policy and Management, the Commissioners of Economic and
14 Community Development, Environmental Protection, Agriculture,
15 Transportation and Public Health, or their designees; the executive
16 directors of the Connecticut Housing Finance Authority, Connecticut

17 Innovations, Inc., Connecticut Development Authority, Commission
18 on Culture and Tourism, or their designees; and the president of the
19 Office of Workforce Competitiveness, or the president's designee. The
20 Secretary of the Office of Policy and Management, or the designee of
21 the secretary, shall be the chairperson of the cabinet.

22 (b) The cabinet shall advise the Governor on policies and initiatives
23 to: (1) Address issues raised by economic growth and real estate
24 development; (2) support and encourage sound land use; (3) protect
25 open space, farmlands and historic sites; (4) clean up and reuse
26 valuable properties located in urban areas; (5) steer growth and real
27 estate development to appropriate areas of our state; and (6) revitalize
28 cities, preserve the unique charm of our state and build livable,
29 economically strong communities while protecting our natural
30 resources for the enjoyment of future generations.

31 Sec. 3. (NEW) (*Effective January 1, 2009*) (a) As used in this section,
32 "development of regional significance" means a construction project
33 that is planned to create, or a renovation or expansion project that is
34 planned to result in, (1) more than two hundred fifty thousand square
35 feet of indoor commercial or industrial space, (2) more than five
36 hundred residential housing units, or (3) more than one thousand
37 parking spaces.

38 (b) Before issuing a permit or providing financial assistance of more
39 than five hundred thousand dollars in connection with a development
40 of regional significance, a state agency shall refer the development to
41 the Responsible Growth Cabinet established under section 2 of this act
42 for review. The cabinet shall invite the developer to attend the next
43 meeting of the cabinet to make a presentation and to answer questions
44 asked by the members of the cabinet. The cabinet shall submit a report
45 of its findings and recommendations concerning the consistency of the
46 development with responsible growth principles to the state agency.

47 Sec. 4. Subsection (a) of section 8-2 of the general statutes is repealed
48 and the following is substituted in lieu thereof (*Effective July 1, 2008*):

49 (a) The zoning commission of each city, town or borough is
50 authorized to regulate, within the limits of such municipality, the
51 height, number of stories and size of buildings and other structures;
52 the percentage of the area of the lot that may be occupied; the size of
53 yards, courts and other open spaces; the density of population and the
54 location and use of buildings, structures and land for trade, industry,
55 residence or other purposes, including water-dependent uses as
56 defined in section 22a-93, and the height, size and location of
57 advertising signs and billboards. Such bulk regulations may allow for
58 cluster development as defined in section 8-18. Such zoning
59 commission may divide the municipality into districts of such number,
60 shape and area as may be best suited to carry out the purposes of this
61 chapter; and, within such districts, it may regulate the erection,
62 construction, reconstruction, alteration or use of buildings or
63 structures and the use of land. All such regulations shall be uniform
64 for each class or kind of buildings, structures or use of land throughout
65 each district, but the regulations in one district may differ from those
66 in another district, and may provide that certain classes or kinds of
67 buildings, structures or uses of land are permitted only after obtaining
68 a special permit or special exception from a zoning commission,
69 planning commission, combined planning and zoning commission or
70 zoning board of appeals, whichever commission or board the
71 regulations may, notwithstanding any special act to the contrary,
72 designate, subject to standards set forth in the regulations and to
73 conditions necessary to protect the public health, safety, convenience
74 and property values. Such regulations shall be made in accordance
75 with a comprehensive plan and in adopting such regulations the
76 commission shall consider the plan of conservation and development
77 prepared under section 8-23 of the 2008 supplement to the general
78 statutes. No regulation that is inconsistent with the plan shall be
79 effective unless the legislative body of the municipality approves such
80 regulation. Such regulations shall be designed to lessen congestion in
81 the streets; to secure safety from fire, panic, flood and other dangers; to
82 promote health and the general welfare; to provide adequate light and

83 air; to prevent the overcrowding of land; to avoid undue concentration
84 of population and to facilitate the adequate provision for
85 transportation, water, sewerage, schools, parks and other public
86 requirements. Such regulations shall be made with reasonable
87 consideration as to the character of the district and its peculiar
88 suitability for particular uses and with a view to conserving the value
89 of buildings and encouraging the most appropriate use of land
90 throughout such municipality. Such regulations may, to the extent
91 consistent with soil types, terrain, infrastructure capacity and the plan
92 of conservation and development for the community, provide for
93 cluster development, as defined in section 8-18, in residential zones.
94 Such regulations shall also encourage the development of housing
95 opportunities, including opportunities for multifamily dwellings,
96 consistent with soil types, terrain and infrastructure capacity, for all
97 residents of the municipality and the planning region in which the
98 municipality is located, as designated by the Secretary of the Office of
99 Policy and Management under section 16a-4a. Such regulations shall
100 also promote housing choice and economic diversity in housing,
101 including housing for both low and moderate income households, and
102 shall encourage the development of housing which will meet the
103 housing needs identified in the housing plan prepared pursuant to
104 section 8-37t and in the housing component and the other components
105 of the state plan of conservation and development prepared pursuant
106 to section 16a-26. Zoning regulations shall be made with reasonable
107 consideration for their impact on agriculture. Zoning regulations may
108 be made with reasonable consideration for the protection of historic
109 factors and shall be made with reasonable consideration for the
110 protection of existing and potential public surface and ground
111 drinking water supplies. On and after July 1, 1985, the regulations shall
112 provide that proper provision be made for soil erosion and sediment
113 control pursuant to section 22a-329. Such regulations may also
114 encourage energy-efficient patterns of development, the use of solar
115 and other renewable forms of energy, and energy conservation. The
116 regulations may also provide for incentives for developers who use

117 passive solar energy techniques, as defined in subsection (b) of section
118 8-25 of the 2008 supplement to the general statutes, in planning a
119 residential subdivision development. The incentives may include, but
120 not be limited to, cluster development, higher density development
121 and performance standards for roads, sidewalks and underground
122 facilities in the subdivision. Such regulations may provide for a
123 municipal system for the creation of development rights and the
124 permanent transfer of such development rights, which may include a
125 system for the variance of density limits in connection with any such
126 transfer. Such regulations may also provide for notice requirements in
127 addition to those required by this chapter. Such regulations may
128 provide for conditions on operations to collect spring water or well
129 water, as defined in section 21a-150, including the time, place and
130 manner of such operations. No such regulations shall prohibit the
131 operation of any family day care home or group day care home in a
132 residential zone. Such regulations shall not impose conditions and
133 requirements on manufactured homes having as their narrowest
134 dimension twenty-two feet or more and built in accordance with
135 federal manufactured home construction and safety standards or on
136 lots containing such manufactured homes which are substantially
137 different from conditions and requirements imposed on single-family
138 dwellings and lots containing single-family dwellings. Such
139 regulations shall not impose conditions and requirements on
140 developments to be occupied by manufactured homes having as their
141 narrowest dimension twenty-two feet or more and built in accordance
142 with federal manufactured home construction and safety standards
143 which are substantially different from conditions and requirements
144 imposed on multifamily dwellings, lots containing multifamily
145 dwellings, cluster developments or planned unit developments. Such
146 regulations shall not prohibit the continuance of any nonconforming
147 use, building or structure existing at the time of the adoption of such
148 regulations. Such regulations shall not provide for the termination of
149 any nonconforming use solely as a result of nonuse for a specified
150 period of time without regard to the intent of the property owner to

151 maintain that use. Any city, town or borough which adopts the
152 provisions of this chapter may, by vote of its legislative body, exempt
153 municipal property from the regulations prescribed by the zoning
154 commission of such city, town or borough; but unless it is so voted
155 municipal property shall be subject to such regulations.

156 Sec. 5. Subsection (a) of section 22a-42a of the general statutes is
157 repealed and the following is substituted in lieu thereof (*Effective July*
158 *1, 2008*):

159 (a) The inland wetlands agencies authorized in section 22a-42 shall
160 through regulation provide for (1) the manner in which the boundaries
161 of inland wetland and watercourse areas in their respective
162 municipalities shall be established and amended or changed, (2) the
163 form for an application to conduct regulated activities, (3) notice and
164 publication requirements, (4) criteria and procedures for the review of
165 applications, and (5) administration and enforcement. No regulation
166 that is inconsistent with the municipal plan of conservation and
167 development, adopted under section 8-23, as amended, shall be
168 effective unless the legislative body of the municipality approves such
169 regulation.

170 Sec. 6. Subsection (a) of section 8-25 of the 2008 supplement to the
171 general statutes is repealed and the following is substituted in lieu
172 thereof (*Effective July 1, 2008*):

173 (a) No subdivision of land shall be made until a plan for such
174 subdivision has been approved by the commission. Any person, firm
175 or corporation making any subdivision of land without the approval of
176 the commission shall be fined not more than five hundred dollars for
177 each lot sold or offered for sale or so subdivided. Any plan for
178 subdivision shall, upon approval, or when taken as approved by
179 reason of the failure of the commission to act, be filed or recorded by
180 the applicant in the office of the town clerk not later than ninety days
181 after the expiration of the appeal period under section 8-8 of the 2008
182 supplement to the general statutes, or in the case of an appeal, not later

183 than ninety days after the termination of such appeal by dismissal,
184 withdrawal or judgment in favor of the applicant but, if it is a plan for
185 subdivision wholly or partially within a district, it shall be filed in the
186 offices of both the district clerk and the town clerk, and any plan not so
187 filed or recorded within the prescribed time shall become null and
188 void, except that the commission may extend the time for such filing
189 for two additional periods of ninety days and the plan shall remain
190 valid until the expiration of such extended time. All such plans shall be
191 delivered to the applicant for filing or recording not more than thirty
192 days after the time for taking an appeal from the action of the
193 commission has elapsed or not more than thirty days after the date
194 that plans modified in accordance with the commission's approval and
195 that comply with section 7-31 are delivered to the commission,
196 whichever is later, and in the event of an appeal, not more than thirty
197 days after the termination of such appeal by dismissal, withdrawal or
198 judgment in favor of the applicant or not more than thirty days after
199 the date that plans modified in accordance with the commission's
200 approval and that comply with section 7-31 are delivered to the
201 commission, whichever is later. No such plan shall be recorded or filed
202 by the town clerk or district clerk or other officer authorized to record
203 or file plans until its approval has been endorsed thereon by the
204 chairman or secretary of the commission, and the filing or recording of
205 a subdivision plan without such approval shall be void. Before
206 exercising the powers granted in this section, the commission shall
207 adopt regulations covering the subdivision of land. No such
208 regulations shall become effective until after a public hearing held in
209 accordance with the provisions of section 8-7d of the 2008 supplement
210 to the general statutes. Such regulations shall provide that the land to
211 be subdivided shall be of such character that it can be used for
212 building purposes without danger to health or the public safety, that
213 proper provision shall be made for water, sewerage and drainage,
214 including the upgrading of any downstream ditch, culvert or other
215 drainage structure which, through the introduction of additional
216 drainage due to such subdivision, becomes undersized and creates the

217 potential for flooding on a state highway, and, in areas contiguous to
218 brooks, rivers or other bodies of water subject to flooding, including
219 tidal flooding, that proper provision shall be made for protective flood
220 control measures and that the proposed streets are in harmony with
221 existing or proposed principal thoroughfares shown in the plan of
222 conservation and development as described in section 8-23 of the 2008
223 supplement to the general statutes, especially in regard to safe
224 intersections with such thoroughfares, and so arranged and of such
225 width, as to provide an adequate and convenient system for present
226 and prospective traffic needs. No regulation that is inconsistent with
227 such plan shall be effective unless the legislative body of the
228 municipality approves such regulation. Such regulations shall also
229 provide that the commission may require the provision of open spaces,
230 parks and playgrounds when, and in places, deemed proper by the
231 planning commission, which open spaces, parks and playgrounds
232 shall be shown on the subdivision plan. Such regulations may, with
233 the approval of the commission, authorize the applicant to pay a fee to
234 the municipality or pay a fee to the municipality and transfer land to
235 the municipality in lieu of any requirement to provide open spaces.
236 Such payment or combination of payment and the fair market value of
237 land transferred shall be equal to not more than ten per cent of the fair
238 market value of the land to be subdivided prior to the approval of the
239 subdivision. The fair market value shall be determined by an appraiser
240 jointly selected by the commission and the applicant. A fraction of
241 such payment the numerator of which is one and the denominator of
242 which is the number of approved parcels in the subdivision shall be
243 made at the time of the sale of each approved parcel of land in the
244 subdivision and placed in a fund in accordance with the provisions of
245 section 8-25b. The open space requirements of this section shall not
246 apply if the transfer of all land in a subdivision of less than five parcels
247 is to a parent, child, brother, sister, grandparent, grandchild, aunt,
248 uncle or first cousin for no consideration, or if the subdivision is to
249 contain affordable housing, as defined in section 8-39a, equal to twenty
250 per cent or more of the total housing to be constructed in such

251 subdivision. Such regulations, on and after July 1, 1985, shall provide
252 that proper provision be made for soil erosion and sediment control
253 pursuant to section 22a-329. Such regulations shall not impose
254 conditions and requirements on manufactured homes having as their
255 narrowest dimension twenty-two feet or more and built in accordance
256 with federal manufactured home construction and safety standards or
257 on lots containing such manufactured homes which are substantially
258 different from conditions and requirements imposed on single-family
259 dwellings and lots containing single-family dwellings. Such
260 regulations shall not impose conditions and requirements on
261 developments to be occupied by manufactured homes having as their
262 narrowest dimension twenty-two feet or more and built in accordance
263 with federal manufactured home construction and safety standards
264 which are substantially different from conditions and requirements
265 imposed on multifamily dwellings, lots containing multifamily
266 dwellings, cluster developments or planned unit developments. The
267 commission may also prescribe the extent to which and the manner in
268 which streets shall be graded and improved and public utilities and
269 services provided and, in lieu of the completion of such work and
270 installations previous to the final approval of a plan, the commission
271 may accept a bond in an amount and with surety and conditions
272 satisfactory to it securing to the municipality the actual construction,
273 maintenance and installation of such improvements and utilities
274 within a period specified in the bond. Such regulations may provide,
275 in lieu of the completion of the work and installations above referred
276 to, previous to the final approval of a plan, for an assessment or other
277 method whereby the municipality is put in an assured position to do
278 such work and make such installations at the expense of the owners of
279 the property within the subdivision. Such regulations may provide
280 that in lieu of either the completion of the work or the furnishing of a
281 bond as provided in this section, the commission may authorize the
282 filing of a plan with a conditional approval endorsed thereon. Such
283 approval shall be conditioned on (1) the actual construction,
284 maintenance and installation of any improvements or utilities

285 prescribed by the commission, or (2) the provision of a bond as
 286 provided in this section. Upon the occurrence of either of such events,
 287 the commission shall cause a final approval to be endorsed thereon in
 288 the manner provided by this section. Any such conditional approval
 289 shall lapse five years from the date it is granted, provided the
 290 applicant may apply for and the commission may, in its discretion,
 291 grant a renewal of such conditional approval for an additional period
 292 of five years at the end of any five-year period, except that the
 293 commission may, by regulation, provide for a shorter period of
 294 conditional approval or renewal of such approval. Any person who
 295 enters into a contract for the purchase of any lot subdivided pursuant
 296 to a conditional approval may rescind such contract by delivering a
 297 written notice of rescission to the seller not later than three days after
 298 receipt of written notice of final approval if such final approval has
 299 additional amendments or any conditions that were not included in
 300 the conditional approval and are unacceptable to the buyer. Any
 301 person, firm or corporation who, prior to such final approval, transfers
 302 title to any lot subdivided pursuant to a conditional approval shall be
 303 fined not more than one thousand dollars for each lot transferred.
 304 Nothing in this subsection shall be construed to authorize the
 305 marketing of any lot prior to the granting of conditional approval or
 306 renewal of such conditional approval.

307 Sec. 7. (NEW) (*Effective July 1, 2008*) (a) As used in this section,
 308 "community benefit agreement" means a written agreement entered
 309 into by a municipality and an owner or developer of real property
 310 whereby the owner or developer agrees to develop real property or
 311 provide financial resources for the purpose of the mitigation, in whole
 312 or in part, of impacts reasonably connected to a real estate or industrial
 313 development project, including, but not limited to, impacts on the
 314 environment, traffic, parking and noise, and "mitigation" includes on-
 315 site and off-site improvements.

316 (b) Any municipality, owner or developer may voluntarily enter
 317 into a community benefit agreement in connection with a real estate or

318 industrial development.

319 Sec. 8. (NEW) (*Effective July 1, 2008*) Any development of real
 320 property that receives state financial assistance under any provision of
 321 the general statutes or any public or special act shall allocate not less
 322 than two per cent of the total costs of the development to pedestrian
 323 and other nonmotorized transportation improvements. The Secretary
 324 of the Office of Policy and Management may waive the application of
 325 this section upon a finding that the nature, scope or location of the
 326 project is not appropriate for such improvement.

327 Sec. 9. Subdivision (2) of subsection (a) of section 13 of public act 07-
 328 7 of the June special session is repealed and the following is
 329 substituted in lieu thereof (*Effective from passage*):

330 (2) For the Responsible Growth Incentive Fund, not exceeding
 331 \$5,000,000, provided any project receiving any funding under this
 332 subdivision shall meet responsible growth principles, as defined in
 333 section 1 of this act.

334 Sec. 10. Subdivision (2) of subsection (a) of section 32 of public act
 335 07-7 of the June special session is repealed and the following is
 336 substituted in lieu thereof (*Effective from passage*):

337 (2) For the Responsible Growth Incentive Fund, not exceeding
 338 \$10,000,000, provided up to \$ 5,000,000 shall be used for grants-in-aid
 339 of up to \$ 1,000,000 each to participating municipalities or regional
 340 planning organizations for implementation of transit-oriented plans
 341 and strategies in designated pilot program areas, provided any project
 342 receiving any funding under this subdivision shall meet responsible
 343 growth principles, as defined in section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2008	New section
Sec. 2	July 1, 2008	New section

Sec. 3	<i>January 1, 2009</i>	New section
Sec. 4	<i>July 1, 2008</i>	8-2(a)
Sec. 5	<i>July 1, 2008</i>	22a-42a(a)
Sec. 6	<i>July 1, 2008</i>	8-25(a)
Sec. 7	<i>July 1, 2008</i>	New section
Sec. 8	<i>July 1, 2008</i>	New section
Sec. 9	<i>from passage</i>	PA 07-7 of the June Sp. Sess., Sec. 13(a)
Sec. 10	<i>from passage</i>	PA 07-7 of the June Sp. Sess., Sec. 32(a)

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]